COURT NO. 6

HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 659 OF 2003 (M/S)

CIVIL SIDE

Abdul Hasan ……..PEITIONER

Versus

Nainital Almora Kshetriya
Gramin Bank Ltd and others ……RESPONDENTS

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Bansal for the petitioner and Sri S.S. Adhikari, Standing counsel for the respondents.

This writ petition has been filed by the petitioner challenging recovery by which a sum of Rs. 403640/- has been demanded. According to the petitioner he is a small farmer and has taken loan of Rs.2, 00, 000/- for the purchase of a Tractor and Rs.60,000/- as crop loan. It has been stated in paragraph 7 of the petition that on 29.7.2003 Tehsildar Kashipur hs issued a citation to appear before him on 29.7.03 to pay the said loan amounting Rs.3,66,945/- along with collection charges amounting to Rs.36,695/- total amounting Rs.403640/- Petitioner has also appeared before the Tehsildar and made a oral representation but of no avail.

According to the petitioner no account has been furnished by the Bank so as to enable him to come to the conclusion that the citation made by the Tehsildar is correct. Further according to him calculation

of interest is wholly incorrect and no compound interest can be charged. In the case of *Central Bank of India vs. Ravindra and others. AIR 2001 SC 3095* the Apex Court has observed.

" Statement of accounts supplied by banks to borrowers many a times do not contain particulars or details entries and when written in hand are worse than medical prescriptions putting to test the eyes and wits of the borrowers. Instances of unscrupulous, unfair and unhealthy dealings can be multiplied though they cannot be generalized."

Therefore, I am of the opinion that the Bank authorities will furnish the account to the petitioner on production of certified copy of this order.

So far as payment of amount is concerned the petitioner is not challenging the recovery proceedings. However, the said plea is also not available. The petitioner has prayed that the being small farmer if the amount is realized by him through easy instalments it will serve the purpose of the Bank and will also give relief to the petitioner who is a small farmer. In my opinion in the interest of justice if the petitioner pays the amount in eight equal quarterly instalments, the interest of the Bank shall be fully protected.

The entire outstanding loan amount, therefore, shall be recovered in eight quarterly instalments. The first instalment will be paid in on month i.e. by 31.08.2003 thereafter remaining seven instalments will be paid after each three months. The amount of interest will be paid in the last instalment along with recovery charges. In case of default of any instalment, the liberty given to the petitioner to pay the loan amount in instalments shall no more be available.

The writ petition is disposed of with the above observations.

(**Rajesh Tandon, J.)**

28.07.2003
*Dhyani